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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 ELIA RODRIGUEZ, an individual,

17 Case No. 2:22-cv-01910-ART-BNW

18 Plaintiff,

19 **STIPULATION TO EXTEND DISCOVER
AND DISCLOSURE DEADLINES**

20 vs.

21 **(THIRD REQUEST)**

22 TVI, INC. D/B/A SAVERS; a Foreign
 23 Corporation; GOLD STAR VENTURE, LLC,
 24 a Foreign Limited-Liability Company; DOE
 25 INDIVIDUALS 1-10 and ROE
 26 CORPORATIONS/ENTITIES 1-10, inclusive,

27 Defendants.

28 Pursuant to Local Rules IA 6-1 and 26-3 Plaintiff and Defendant, by and through
 18 undersigned counsel, stipulate as follows:

19 The court has previously granted two extensions of the Scheduling Order deadlines.

20 This is the third stipulation to extend the Scheduling Order Deadlines.

21 The Discovery and Disclosure Deadlines may be extended as follows:

22 **I. PROPOSED NEW DEADLINES:**

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed New Deadline</u>
Joint Pretrial Order	April 10, 2024	June 19, 2024
Dispositive Motion	March 11, 2024	May 10, 2024

Deadline		
Discovery Cut-Off Date	<u>February 12, 2024</u>	<u>April 13, 2024</u>
Rebuttal Expert Disclosure	January 12, 2024	March 12, 2024
Initial Expert Disclosure	December 12, 2023	February 10, 2024
Amendment of Pleadings	November 13, 2023	January 12, 2024

II. STATEMENT OF DISCLOSURE AND DISCOVERY COMPLETED

The parties have completed the following discovery:

1. Plaintiff has submitted the following disclosures:
 - a. Initial Disclosures – 12/16/22
 - b. First Supplemental Disclosure – 12/21/22
 - c. Second Supplemental Disclosure – 1/30/23
 - d. Third Supplemental Disclosure – 3/23/23
 - e. Fourth Supplemental Disclosure – 3/24/23
 - f. Fifth Supplemental Disclosure – 4/18/23
 - g. Sixth Supplemental Disclosure – 4/18/23
 - h. Seventh Supplemental Disclosure – 5/26/23
 - i. Eighth Supplemental Disclosure – 7/18/23
 - j. Ninth Supplemental Disclosure – 8/15/23
 - k. Tenth Supplemental Disclosure – 9/05/23
 - l. Eleventh Supplemental Disclosure – 9/14/23
 - m. Twelfth Supplemental Disclosure – 9/28/23
 - n. Thirteenth Supplemental Disclosure – 10/25/23
 - o. Fourteenth Supplemental Disclosure – 11/10/23.

1 2. Defendant has submitted the following disclosures:

2 a. Initial Disclosures – 12/28/22
3 b. First Supplemental Disclosure – 4/17/23
4 c. Second Supplemental Disclosure – 4/25/23
5 d. Third Supplemental Disclosure – 5/12/23
6 e. Fourth Supplemental Disclosure – 5/24/23
7 f. Fifth Supplemental Disclosure – 8/14/23
8 g. Sixth Supplemental Disclosure – 9/14/23
9 h. Seventh Supplemental Disclosure – 11/02/23

10 3. Plaintiff has responded to the following discovery requests:

11 a. Defendant's First Request for Production of Documents
12 i. Including First Supplemental Response
13 b. Defendant's First Set of Interrogatories.
14 c. Defendant's First Set of Requests for Admission.

15 4. Defendant has deposed Plaintiff.

16 5. The parties have conducted a Rule 34 inspection of the subject property with the
17 parties' respective experts in attendance.

18 6. Defendant notes that there may be some discovery disputes pertaining to Plaintiff's
19 responses that may require motion practice.

20 7. Defendant responded to the following discovery request:

21 a. Plaintiff's First Request for Production of Documents – 4/24/23.
22 b. Plaintiff's First Set of Interrogatories – 4/24/23.

23 8. Plaintiff deposed Defendant Manager – 10/28/23.

24 9. Defendant deposed Plaintiff treating physician Stuart Kaplan, M.D – 11/03/23.

1 **III. DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE COMPLETED**

2 The following discovery needs to be completed:

- 3 1. Rule 30(b)(6) deposition(s) of Defendant.
- 4 2. Deposition of Defendant's employees. There are at least four employees that were
5 present at the store at the time of the alleged incident. In addition, there are other
6 employees that Plaintiff *and* Defendant may want to depose.
- 7 3. Deposition of percipient witness Lupe Gonzalez.
- 8 4. Deposition of Plaintiff's treating physicians.
- 9 5. Depositions of Plaintiff's cost of care witnesses.
- 10 6. Depositions of Plaintiff's disclosed treating physicians.
- 11 a. Defendant would note that Plaintiff has currently disclosed 6 treating
12 physicians as witnesses. Defendant is trying to ascertain which additional
13 treating physicians need to be deposed.
- 14 7. Depositions of Plaintiff's expert witnesses.
- 15 8. Depositions of Defendant's expert witnesses.
- 16 9. Defendant continues to gather records pertaining to Plaintiff's prior accidents.
- 17 10. Depositions of physicians that treated Plaintiff for prior accident injuries (possible).

18 **IV. REASONS WHY THE DEADLINES WERE NOT SATISFIED OR THE**
19 **REMAINING DISCOVERY WAS NOT COMPLETED WITHIN THE TIME**
20 **LIMITS SET BY THE DISCOVERY PLAN**

21 The parties anticipate that they will not be able to comply with the current deadlines for the
22 following reasons:

- 23 1. Counsels' respective schedules, treating physicians' respective schedules and the
24 parties' experts' respective schedules are impacting the scheduling and conducting of
25 depositions, in particular during the winter holiday season.

2. There were a number of additional accidents involving the Plaintiff which required collection of records from multiple entities in order for the parties to investigate the relatedness of any treatment to the injuries claimed in this case.
3. The parties continue to have difficulty contacting percipient witness Lupe Gonzalez who is a critical witness for both parties regarding the subject incident. Additional time is needed to make contact with Ms. Gonzalez and conduct Ms. Gonzalez' deposition.
4. There are some discovery dispute issues that may need to be addressed by the court.

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1 **V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING**
 2 **DISCOVERY**

3 The parties proposed the following schedule for completing all remaining discovery:

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed New Deadline</u>
Joint Pretrial Order	April 10, 2024	June 19, 2024
Dispositive Motion Deadline	March 11, 2024	May 10, 2024
Discovery Cut-Off Date	<u>February 12, 2024</u>	<u>April 13, 2024</u>
Rebuttal Expert Disclosure	January 12, 2024	March 12, 2024
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Amendment of Pleadings	November 13, 2023	January 12, 2024

14 DATED this 30th day of November 2023.

15 **LEWIS BRISBOIS BISGAARD &
16 SMITH LLP**

17 /s/ Steven L. Foremaster

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24 *Attorneys for Defendant TVI, Inc*

15 DATED this 30th day of November 2023.

16 **THE COTTLER FIRM**

17 /s/ Matthew Holland

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19 Nevada Bar No. 4576
20 MATTHEW HOLLAND
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23 Las Vegas, NV 89123
24 *Attorneys for Plaintiff Elia Rodriguez*

23 **IT IS SO ORDERED:**

24 

25 United States District Judge
26 United States Magistrate Judge

25 12/1/2023
26 Date